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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,899	09/13/2000	Gernot Godl	GR 98 P 1320	7279
24131	7590	09/10/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			MATHEWS, ALAN A	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/660,899

Applicant(s)

GODL ET AL.

Examiner

Alan A. Mathews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-25-02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Japanese patent document 02, 030 037 A has been crossed out since it is an erroneous number. The correct Japanese patent document 02 030 047 A has been cited on the PTO-892.
2. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, lines 14 and 15, "lowering the leaf spring onto the photoblack controlled manner" is indefinite. Claims 7-11 would be allowable if Applicant inserted "in a" after the term "photoblack".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese patent document 3-263814 (cited in Applicant's PTO-1449) in view of either Pinckney (U. S. Patent No. 5,843,623) or the Japanese patent document 2-30047 (cited on Applicant's PTO1449) or the Japanese patent document 4-353848 (cited on Applicant's PTO1449). The Japanese patent document 3-263814 discloses in figure 2 a photobank consisting of elements 14 (mask blank), 15 (chromium film), and 16 (resist). Grounding pin comprises a fixed element 18 and a rotary part 17, which is rotated in a controlled manner to lower the tip onto a surface of a photobank (elements 14-16). Element 17 is the position-adjusting element. Thus, the Japanese patent document 3-263814 discloses the invention except for specifically stating that the continuity member 17 and 18 is on a leaf spring. Pinckney discloses in figures 3 and 4 placing a grounding pin 340 on a leaf spring 330. The Japanese patent document 2-30047 discloses placing grounding needle 3 on a leaf spring. The Japanese patent document 4-353848 discloses in figure 1A placing grounding needle 4a on a leaf spring. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to place the continuity pin in the Japanese patent document 3-263814 on a leaf spring in view of Pinckney 30047 or the Japanese patent document 2-30047 or the Japanese patent document 4-353848 for the purpose of more providing a more vigorous contact and a continuous contact with the chromium layer in the photobank, and thus producing a better final product.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinckney (U. S. Patent No. 5,843,623) in view of over the Japanese patent document 3-263814 (cited in Applicant's PTO-1449) or the Japanese patent document 01-187926 (cited in Applicant's PTO-

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1449). Pinckney discloses in figures 3 and 4 and column 6, lines 44-67, and column 7, lines 1-59, a ground probe 300 with an adjustment screw 320. Workpiece 130 is the photoblack (see column 3, lines 33-35). Leaf spring 330 has a contact-making tip 340 mounted thereon. Adjustment screw 320 (which is a position-adjusting element) can be turned for force arm 360 and 370 either apart or closer together. Position-adjusting element 320 would be in a hole and is a setting screw. Thus, Pinckney discloses the invention except for specifically disclosing lowering contact-making tip 340 onto a surface of the photoblack 130. The Japanese patent document 3-263814 discloses lowering a contact -making tip 17 onto a surface of a photoblack by rotating element 17. The Japanese patent document 3-263814 also discloses hold-down devices 2 (see figure 4). The Japanese patent document 01-187926 discloses lowering conductive pin 5 into contact with a photoblack. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to lower the contact-making tip 340 in Pinckney onto the surface of the photoblack in view of the Japanese patent document 3-263814 or the Japanese patent document 01-187926 for the purpose of improving the contact with the photoblack.

***Allowable Subject Matter***

6. Claims 7-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

The reasons for the indicated allowability of the claims are as follows:

The prior art of record does not disclose or suggest providing a leaf spring wherein, in an unstressed state, the leaf spring is formed with a bend at which a longitudinal extent of the leaf spring deviates by an angle  $\alpha$  from a rectilinear course in combination with all the other steps recited in the parent claim of dependent claim 5.

The prior art of record does not disclose or suggest mounting and prepositioning a position-adjusting element on the leaf spring for forming an adjustable stop on the holding device, and holding the leaf spring away from the surface of the photobank with an element other than the position-adjusting element, and subsequently to the positioning the photobank, lowering the leaf spring onto the photobank in a controlled manner, whereby a final-position travel is predefined by the prepositioned position-adjusting element in combination with all the other steps recited in independent claim 7.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

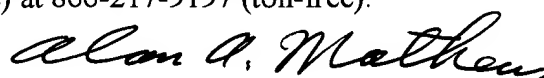
The patents on Applicant's PTO 1449 are cited for the same reasons Applicant cited them in his INFORMATION DISCLOSURE STATEMENT.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AM